

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----
US AIRWAYS, INC.,

Plaintiff,

-against-

SABRE HOLDINGS CORP., et al.,

Defendants.
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X

11 Civ. 2725 (LGS)

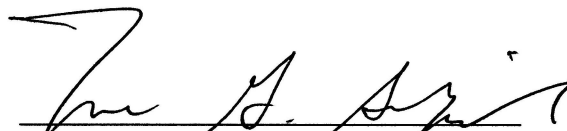
ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, by letter emailed to the Chambers inbox, dated January 28, 2021, Plaintiff requested leave to amend its Fourth Amended Complaint and permission to file under seal portions of the Fifth Amended Complaint (“FAC”). The letter is attached hereto. It is hereby

ORDERED that Plaintiff’s request for leave to amend its Complaint and to seal portions of the FAC is GRANTED. Plaintiff shall file by **February 2, 2021**: (1) a redacted version of the FAC, consistent with the proposed highlighted redactions, on the docket and (2) an unredacted version of the FAC under seal. Although “[t]he common law right of public access to judicial documents is firmly rooted in our nation’s history,” this right is not absolute, and courts “must balance competing considerations against” the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) (internal quotation marks omitted); *see also Nixon v. WarnerCommc’ns., Inc.*, 435 U.S. 589, 599 (1978) (“[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case.”). The proposed redactions are narrowly tailored to prevent unauthorized dissemination of sensitive business information. The parties are advised that the Court retains discretion whether to afford confidential treatment to sealed material in any Court order or proceeding and that per Individual Rule I.D.3. letter motions to seal documents shall be publicly filed on the ECF.

Dated: January 29, 2021
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE



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January 28, 2021

VIA ECF

Hon. Lorna G. Schofield
United States District Court
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *US Airways, Inc., for American Airlines, Inc. as Successor and Real Party in Interest v. Sabre Holdings Corp., et al., No. 1:11-cv-02725-LGS*
Request for Leave to Amend

Dear Judge Schofield:

Per the Court's January 14, 2021 Order (Dkt. No. 986), to streamline the case, US Airways attaches its proposed Fifth Amended Complaint that removes the prior request for equitable relief. We have also eliminated the few factual allegations that were included to provide a factual predicate for forward-looking relief. Attached is a redline showing the proposed changes. Given that these changes are minor (they are limited to removing the request for equitable relief and no new claims have been added), we respectfully ask that the Court grant leave on the basis of this request. The parties met and conferred and Sabre does not oppose US Airways' request to amend because US Airways is not, and will not be, seeking to reinstate US Airways' request for injunctive relief in this action, Case 1:11-cv-02725-LGS.

Additionally, in accordance with Your Honor's Individual Rule of Practice I.C.3., US Airways respectfully requests that the Court permit redactions of the yellow-highlighted portions of US Airways' proposed Fifth Amended Complaint. US Airways' request is limited to redactions that were previously approved by the Court. Dkt. No. 950 (granting US Airways' request to seal portions of its Fourth Amended Complaint).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Andrew J. Frackman'.

Andrew J. Frackman
of O'MELVENY & MYERS LLP
*for US Airways, Inc. for American Airlines, Inc. as
Successor and Real Party in Interest*

cc: Counsel for Sabre (via e-mail)